

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

June 21-25, 2004

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-22	EX EX	76409942 76409943	Tundra Trading, Inc.	Hairston Rogers Drost*	Section 6 disclaimer requirement (of words TIRE TREAD)	Refusal Reversed in both cases		"TUBI'S TIRE TREAD LICORICE" and "TUBI'S TIRE TREAD LICORICE" (and design) [<i>both marks for licorice</i>]		McCauley	No
6-22	OPP CANC	91117782 92030393	Anvil Knitwear, Inc. v. Success Ware Inc.	Seeherman Chapman Holtzman*	2(d)	Opposition Sustained and Petition to Cancel Granted	"ANVIL" [shirts; knitted dresses; caps]; design mark comprising a graphic depiction of an anvil [men's and boys' shirts]	design mark incorporating a graphic depiction of an anvil and a hammer [t-shirts, sweat tops, and sweat pants] and "SUCCESS WARE INC. SPORTSWEAR" (and a design incorporating a graphic depiction of an anvil and a hammer) [t-shirts, sweat pants, sweat shirts, sweat jackets, and sweat shorts]			No
6-22	EX	76447249	Nature's Rest, Inc.	Quinn* Hohein Bucher	2(e)(1)	Refusal Affirmed		"BIOSTATIC" [mattress covers]		Wahlberg	No
6-22	EX	76386638	Bay Gulf Credit Union	Hohein Chapman* Bottorff	whether applicant's specimens show service mark use of its mark in connection with its recited services	Refusal Reversed		"BAYLOC" [financial services, namely, loan financing]		Eulin	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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6-22	CANC	92032202	Alfacell Corp. v. Anticancer, Inc.	Sams Seeherman Quinn*	2(d)	Petition to Cancel Granted	"ONCONASE" [pharmaceuticals, namely, cancer-treating drugs]	"ONCASE" [therapeutic compositions containing reagents for in vivo anticancer use]			Yes
6-22	OPP	91124181	Gecko Trading Company, Inc. v. Rip-Tie, Inc.	Simms Hohein Chapman*	2(d)	Opposition Sustained	"GECKO," "MAUI GECKO," and "GECKO HAWAII" [<i>a wide variety of goods, including clothing, textile bags, jewelry, surfboards, bicycles, in-line skates, stuffed toy animals, skin cleansing soaps and gels, sunglasses and eyeglasses, beverage glassware, clocks and watches, tobacco products and accessories, etc.</i>]	"GECKO" [hook and loop fastening ribbon and tape]			No
6-22	OPP	91121977	Asiana Int'l Co., Ltd. v. Michael L. Devitt	Seeherman Hohein* Chapman	2(d); fraud; abandonment	Opposition Dismissed	"DIRT MASTER" (and design) [bicycles, bicycle frames, bicycle handlebars, and other bicycle parts]	"DIRT MASTER" (and design) [bicycles; bicycle parts, namely, frames, handlebars, forks, stems, safety pads, and racing number plates]			No
6-23	EX	78114064	Stancil Corp.	Hairston Walters Bucher*	2(d)	Refusal Reversed		"TEN - 4" [computer software for voice recording purposes]	"TENFOUR" [computer software, etc., for monitoring and regulating electronic messaging, etc.; electronic mail services; software consulting services in the field of computer engineering]	J. Dwyer	No

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6-23	EX	76118536	Professional Wrestling Hall of Fame	Quinn Walters Bottorff*	2(d)	Refusal Reversed as to both classes of goods		“PWHF PROFESSIONAL WRESTLING HALL OF FAME” (and design) <i>in Class 16</i> : printed matter, namely, magazines, books and pamphlets about professional wrestling, memorabilia, namely, souvenir programs relating to professional wrestling, printed tickets, and announcement cards relating to professional wrestling, mounted or unmounted photographs, and posters; <i>in Class 25</i> : shirts, hats, jackets, jerseys, t-shirts, shorts, pants, underwear, novelty gloves and visors]	“PROFESSIONAL WRESTLING HALL OF FAME” (and design) [retail store services featuring professional wrestling memorabilia, clothing, and souvenirs]	Mizelle	No
6-24	EX	76281084	Boot Royalty Co., L.P.	Quinn Chapman* Bucher	2(e)(1) [descriptive or, in the alternative, deceptively mis-descriptive]; 2(a) [deceptive]	Refusal Affirmed under 2(e)(1) only		“BARN ROPERS” [boots]		Fickes	No
6-24	EX	76236221	SRO Management, LLC	Hanak* Hohein Bottorff	genericness; whether applicant's mark is registrable under Section 2(f)	Refusal Affirmed		“THE CONTINENTAL” [restaurant and bar services]		Fromm	No

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6-24	OPP OPP	91123651 91123413	Haas Outdoors, Inc. v. Jordan Outdoor Enterprises, Ltd.	Sams Hanak* Quinn	whether applicant must disclaim the initialism "HD" as an unregistrable component of its marks	Opposition Dismissed in both cases		"ADVANTAGE TIMBER HD" and "REALTREE HARDWOODS HD" [<i>both marks for printed camouflage patterns for hard surfaces (Class 16) and cotton, wool, and synthetic fabrics having camouflage patterns (in Class 24)</i>]			No
6-25	OPP	91118737	The Louis E. Bondurant Revocable Trust v. Varn Int'l, Inc.	Hohein Bottorff* Rogers	2(d)	Opposition Sustained	"PRO" [planographic printing solutions], "PRO PRODUCTS" (and design) [chemical solutions used in the printing industry], <i>and several other pleaded registered marks incorporating the word PRO</i>	"WEB-PRO" [lithographic printing chemical solutions]			No
6-25	EX	76428814	Crosstex International	Hohein* Holtzman Rogers	2(d)	Refusal Affirmed		"ISOLATOR" [dental face masks]	"ISOLATOR" [dental device for use in a patient's mouth to hold cotton rolls]	Michos	No

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